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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,594	03/01/2004	Darcy Carbone	CAR-001	9594
32836	7590	12/06/2006	EXAMINER	
GUERIN & RODRIGUEZ, LLP 5 MOUNT ROYAL AVENUE MOUNT ROYAL OFFICE PARK MARLBOROUGH, MA 01752			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3781	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/790,594	Applicant(s) CARBONE, DARCY	
	Examiner Tri M. Mai	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/01/04</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. Claims 1-2, and 4-5, are rejected under 35 U.S.C. 102 (b) as being anticipated by Marchese (2732065). Marchese teaches anti-slip devices with removable cover for adhesive.
2. Claims 1, 3, 4, 6, and 7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Wallace, Jr. (426342). Wallace teaches attachable patches having adhesive (ln. 32) and the second surface having rough texture that can be grasp by a user as claimed.
3. Claim 3 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Wallace in view of either Merkle et al. (1238551), It would have been obvious for one of ordinary skill in the art to provide dimples to provide an alternative pattern as taught by Merkle.
4. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Wallace in view of Hampton (6047992) or Bihr (1803836). It would have been obvious for one of ordinary skill in the art to provide a removable cover as taught by Hampton, note portion 19 in Fig. 3), or Bihr, note paper layer in Figs. 5-6, to provide an alternative attachment means for the label.
5. Claims 8-16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wallace in view of either Miller (3162334) or Kalat (4511069). It would have been obvious for one of ordinary skill in the art to provide a pump as taught by Miller or Kalat to dispense the contents easily.
6. Claims 1, 2, 4, 7-11, and 14-16 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kohlruss et al. (5457890). Kohlruss teaches a device with patches 4 on two sides of a container and a pump mechanism as claimed.
7. Claims 12 and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kohlruss. Kalat teaches that it is known in the art to provide a container from either plastic or

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glass (col. 9, ln. 57). It would have been obvious for one of ordinary skill in the art to provide bottle from either glass or plastic since these are the common type of material for making bottle.

8. Claims 1, 2, 4, 6-8, 10, 12, 14, and 15 are rejected under 35 U.S.C. 102 (b) as being anticipated by Deal (5857275). Deal teaches a bottle grip comprising raised features as claimed.

Regarding claim 8, note the spray mechanism associate with the embodiment in Fig. 8.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohlruss in view of Hanson et al. (D480113). It would have been obvious to one of ordinary skill in the art to provide dimples to provide an alternative gripping pattern.

10. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Deal in view of Bihr or Hampton. It would have been obvious for one of ordinary skill in the art to provide a removable cover as taught by Hampton, note portion 19 in Fig. 3), or Bihr, note paper layer in Figs. 5-6, to provide an alternative attachment means for the label.

11. Claims 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deal in view of Miller. It would have been obvious to one of ordinary skill in the art to provide the gripping labels in the bottle of Miller to enable one to grip the container easily.

Regarding claim 13, it would have been obvious to one of ordinary skill in the art to provide the bottle is plastic to provide the desired material.

12. Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deal in view of Baudin (5916646). It would have been obvious to one of ordinary skill in the art to provide labels on two sides of the container as taught by Baudin to provide added information and/or for decorative purpose.

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13. Claims 1-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Bihr (1803836).

Deal teaches a bottle grip comprising raised features as claimed.

Regarding claim 3, there are at least two dimples in the design of Bihr.

14. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bihr in view of Miller. It would have been obvious to one of ordinary skill in the art to provide the gripping labels in the bottle of Miller to enable one to grip the container easily.

Regarding claim 13, it would have been obvious to one of ordinary skill in the art to provide the bottle is plastic to provide the desired material.

15. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Bihr rejection as set forth in paragraph 14, and further in view of Baudin. It would have been obvious to one of ordinary skill in the art to provide labels on two sides of the container as taught by Baudin to provide added information and/or for decorative purpose.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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